

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

ALFRED A. JOHNSON SR.

PLAINTIFF,

V.

TACO BELL, CORP. CALIFORNIA

DEFENDANT,

RICHARD W. NAGEL  
CLERK OF COURT

2022 DEC 14 PM 12:52

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

U.S.C. 1988 ATTORNY. FEES

STRICT LIABILITY, BREACH OF

DUTY, BREACH OF CONTRACT,

FIDUCIARY DUTY, VARIOUS

LIABILITY, NEGLIGENCE, PRODUCT

LIABILITY, BREACH OF IMPLIED

WARRENTY, INTENTIONAL

EMOTIONAL DISTRESS, PUNITIVE

JUDGE SARGUS

MAGISTRATE JUDGE SILVAIN

DAMAGES, AND COMPENSATION (APP. R. 9)

(REQUESTING DISCOVERY EXTENSION)  
MOTION FOR CIV. R. 60(B)3&5

ON OCTOBER, 19TH, 2019; I WALKED INTO A TACO BELL IN CAREY, OHIO. (PLACE OF BUSINESS). (PLACE OF CORPORATION IS IRVINE, CALIFORNIA). I ORDERED 1 TACO & 2 BEEFY FRITO BURRITOS, I WENT TO THE PATIO TO SIT DOWN AND EAT AFTER COMING FROM WORK DOWN THE ROAD AT THE CSP PLANT. AFTER EATING MOST OF MY TACO WHICH WAS THE FIRST THING I ATE, BECAUSE, TO ME IT WAS FASTER AND MORE MANAGABLE. THIS WAS A HARD SHELL TACO, WHEN I GOT TO THE LAST BIG BITE, I CHEWED AND TRIED TO SWALLOW THE CONTENTS. AFTER FINDING IT HARD TO SWALLOW I WAS CHOKING, AND I COULD NOT SWALLOW. I DID REACH INTO MY MOUTH TO GET THE CONTENTS OF FOOD OUT, WHEN I PULLED IT OUT OF MY MOUTH AND FELT IT WAS HARD, I DID UNFOLD AND UNRAVEL THIS FOREIGN OBJECT. I HELD IT UP AND NOTICED THAT IT WAS A GREASY PIECE OF COMPRESSED PLASTIC, I GOT UP AND TOLD THE MANAGER, SHE THEN APOLOGIZED AND OFFERED FREE COUPONS. SHE ASKED TO THROW IT AWAY, BUT INSTEAD I ASKED HER TO MAKE A REPORT OF INJURY. I ALSO CALLED THE POLICE OF CAREY, OHIO. I DID NOT KNOW IF THIS WAS A PURPOSEFUL ACT OR AN ACCIDENT, WHEN THE CAREY, OHIO POLICE CAME THEY TOLD ME THAT THERE WAS A CALL BACK FOR TACO BELL. I TOLD THEM I HAD NO IDEA, HE PROCEEDED TO ASK FOR THE PLASTIC AND HE WOULD SHOW STAFF AND HAVE THEM MAKE AN INJURY REPORT. AFTERWHICH, I SEEN THE MEDICAL STAFF OF UPPER SANDUSKY AND THEY TOLD ME IT LOOKED LIKE THE PLASTIC FROM A TACO BELL BAG. AFTER LEAVING CAREY, OHIO, I CAME BACK TO TOLEDO, OHIO AT AROUND MIDNIGHT ON OCTOBER 20TH 2019. I BECAME SICK AND CALLED THE PARAMEDICS, AND WENT TO THE HOSPITAL AROUND 11:00 AM THAT DAY. I SEEN THE DOCTOR IN THE E.M., AFTERWHICH, I WAS DIAGNOSED WITH A FORM OF DIARRHEA. THE NEXT DAY OR SO I WAS STILL ILL AND WENT TO ANOTHER DOCTOR AND WAS SEEN. I WAS LATER DIAGNOSED WITH GASTROINTESTINAL & GASTROENTERITIS, FROM FOOD POSIONING, I DID RECEIVE MEDICINE FOR MY THROAT AND STOMACH. IN THE NEXT COUPLE OF DAYS I RETAINED AN ATTORNEY BOBBY KAPLAN IN TOLEDO, OHIO, HE HELD THE CASE FOR AT LEAST 9 MONTHS, IN WHICH, CINCINNATI INSURANCE WHO INSURES FOR TACO BELL DENIED THE CLAIM. THE CLAIM IS FOR 1 MILLION DOLLARS FOR PERSONAL INJURY, RANDY ROSEN TOLD ME. I FILED MY LAWSUIT AGAINST TACO BELL I BELIEVE SEPT, 13TH, 2021, JUST INSIDE THE 2YRS. IN THE WYANDOT COMMON PLEAS COURT, SHE DID DISMISS IT FOR PROCEDURAL ISSUES THAT WERE VERY PLAIN AND COULD BE FIXED. THERE WAS AN APPEALABLE

ORDER, AND I DID FILE AN APPEAL IN THE 3<sup>RD</sup> DISTRICT COURT OF APPEALS. CLERK ANN DUNBAR DID GET MY APPEAL, SHE SENT ME A LETTER STATING THAT I COULD NOT RE-FILE IT BACK AFTER IT HAD BEEN DISMISSED. THERE WAS NO MISTAKE ABOUT WHAT I WAS DOING, BECAUSE I HAD SENT IT TO THE 3<sup>RD</sup> DISTRICT ON PURPOSE AT FIRST. THEY SENT IT BACK COPIED WITH INSTRUCTIONS WITH THEIR LOGO ON IT, I PUT IT IN MY APPEAL TO WYANDOT& AND ALL OF MY PAPERWORK. WHEN IT FINALLY GOT TO THE 3<sup>RD</sup> DISTRICT SHE SAID I DID NOT PUT MY NOTICE OF APPEAL IN IT, THIS IS A COMPLETE LIE. I TOLD THE 3<sup>RD</sup> DISTRICT AND SENT THE LETTER SHE SENT ME, DATED 12-23-22, & SERVICE DATE OF 12-27-22. I TOLD THEM IT WAS IN THERE WITH IT, SHE PURPOSELY SENT MY MOTION BACK TO GET IT TIME BARRED. I RECEIVED A COPY OF MY NOTICE OF APPEAL LATER FILE STAMPED JAN, 3<sup>RD</sup>, 2022. JUST 4 DAYS LATE. SHE ALREADY HAD IT WITHIN THE 30 DAYS, AND THAT WAS UP ON 12-30-21. I SHOULD NEVER HAVE A TIME STAMP COPY WITH HER NAME ON IT DATED JAN, 3<sup>RD</sup>, 2022 IF IT WAS NOT THERE THE FIRST TIME BY 12-23-21, I SHOULD NOT HAVE ONE STAMPED AT ALL PERIOD. THIS CLERK OF WYANDOT COUNTY DID DEFRAUD ME TO MAKE ME LOSE AN OPPURTUNITY FROM TACO BELL, I HAVE MERIT& I WAS ON TIME, AND IF IT WAS NOT FOR THIS CLERK VIOLATING THE DUE PROCESS OF LAW MY LAWSUIT WOULD HAVE BEEN PROCESSED TO THE 3<sup>RD</sup> DISTRICT, THIS DID VIOLATE THE 5<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT. THE JUDGE KATHLEEN AUBRY HAS SOME HISTORY OF MISCONDUCT, CITING: BEARD V. BLOOMFIELD 2012-OHIO-2133(CONFLICT), STATE V. HERBERT (IN RE AUBRY) 117 OHIO ST. 3D 1245.(BIAS). KOESTAR V. PFEIFER 2016 US.DIST LEXIS 29486. THIS IS WYANDOT COUNTY COURT.(LAWSUIT). THE 3<sup>RD</sup>. DISTRICT HEARD MY FINAL MOTION AND WAS DECIDED ON JAN, 21, 2022. IN THE MONTH OF OCTOBER 2021 I CANT REMEMBER THE EXACT DATE TACO BELL DID MAKE A STATEMENT TO THE NATION , AND THE DATE WAS BEFOR THE 19<sup>TH</sup> OF OCT, THAT IT WAS OK FOR THE NATION TO EAT AT TACO BELL AGAIN THE CALL BACK IS OVER THE FOOD IS FIXED. THIS WAS NOT THE CASE BECAUSE I BECAME ILL ON OCTOBER 19<sup>TH</sup>, 2021 IN CAREY, OHIO. THE 4<sup>TH</sup>, 5<sup>TH</sup>, & 14<sup>TH</sup> AMENDMENTS HAVE BEEN VIOLATED HERE WITHIN OF MY CIVIL RIGHTS. TACO BELL DID BREACH THEIR DUTY WHEN THEY DID NOT MAKE SURE MY FOOD CAME TO ME SAFE, THIS MADE THEM NEGLEGENT TO MY NEEDS OF EATING FOOD. THE PLASTIC IN MY TACO AND THE TAINTED BEEF DID CAUSE ME TO BECOME SICK SOON AFTER PURCHASING THIS FOOD. THIS WAS A VIOLATION OF STRICT LIABILITY ON TACO BELL BECAUSE I AM ON CAMERA AND I CALLED THE POLICE AT THE SITE ALSO THE PARAMEDICS. TACO BELL DID HAVE A FIDICIARY DUTY TO MAKE SURE THAT ALL WORKERS MAINTAINED A CLEAN AND SAFE INVIRONMENT AND TO FOLLOW POLICY AND PROCEDURES, AND TACO BELL IS VACARIOUSLY LIABLE FOR MY INJURIES I SUSTAINED THAT THESE WORKERS DID TO ME. TACO BELL DID BREACH ITS CONTRACT AND CAUSE A VIOLATION OF PRODUCT LIABILITY WHEN THEY ALLOWED PLASTIC TO BE PROCESSED IN THE MEAT. TACO BELL CORP. OF CALIFORNIA DID BREACH IMPLIED WARRANTY, WHEN THEY WENT ONTO THE MEDIA AND TOLD EVERYONE IN AMERICA THAT THE CALL BACK WAS OVER BY THE 12<sup>TH</sup> OF OCTOBER AND I SUSTAINED A PERSONAL INJURY ON OCT. 19<sup>TH</sup>, 2019. WITH THESE SET OF FACTS AND LAW THIS LAWSUIT HAS MERIT AND I AM FILING THIS CIVIL RULE 60 (B) TO HAVE THIS COURT RELIEVE ME FROM THIS FINAL JUDGEMENT ON THIS CASE. I AM FILING UNDER #3&5, THE CLERK DID DELAY MY CASE BY SENDING MY MOTION BACK WHEN IT WAS THERE FOR APPEAL, AND THIS MOTION IS WITHIN 1YR. AND REASONABLE TIME. I ASK THE COURT TO GRANT MY LAWSUIT THAT IS OVERDUE FOR DUE PROCESS OF THE 14<sup>TH</sup> AMENDMENT I DO HAVE CAUSE AND EFFECT, WITH MY RECEIPT AND MY MEDICAL BILLS. THIS DID CAUSE ME MAJOR INTENTIONAL EMOTIONAL DISTRESS, FOR MY INJURY AND TO DELAY MY LAWSUIT ON PURPOSE, A CLERK SHOULD KNOW THEIR JOB.

PRAYER FOR RELIEF

I AM ASKING TACO BELL FOR \$20 MILLION DOLLARS FOR MY PERSONAL INJURY, 1 MILLION OF IT IS THE POLICY FOR PERSONAL INJURY, I AM FIRST ENTITLED TO. THIS IS THE SAME AMOUNT AS IN PREVIOUS LAWSUIT. I AM ASKING FOR \$1,104,000 FOR MY ATTORNEY FEES & PARALEGAL FEES AT \$200 AN HR. FOR 8 HRS. & FOR 30 DAYS. AND THIS IS TOLLED FOR 23 MONTHS. I AM ASKING FOR COMPENSATION FOR MY ACTUAL LOSS OF TRANSPORTATION, MY JOB, MEDICAL, MEDICINE, MY WIFE'S JOB, & TRANSPORTATION, GAS, FOOD, LOSS OF SCHOOL TIME FOR MY CHILDREN. I AM ASKING FOR PUNITIVE DAMAGES FOR MY PERSONAL INJURY OF MY STOMACH, GASTROINTESTINAL & GASTROENTERITIS.

CERTIFICATE OF SERVICE

I CON FIRM A TRUE COPY BE SENT TO TACO BELL CORP. AT 1 GLENBELL WAY, IRVINE, CALIFORNIA 92618. ON DECEMBER 9TH, 2022.

RESPECTFULLY SUBMITTED,



05 December 2022



JASON MICHAEL LUCAS  
Notary Public  
State of Ohio  
My Comm. Expires  
May 25, 2025

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

ALFRED A. JOHNSON SR.

PLAINTIFF,

V.

TACO BELL CORP.

PLAINTIFF,

MOTION OF PRIOR ACTIONS

2969.25 (A)

I AM SENDING THIS MOTION FOR MY PRIOR ACTIONS FOR LAWSUITS FILED.

1. I HAVE FILED A LAWSUIT IN THE COMMON PLEAS COURT OF LUCAS COUNTY, CASE NUMBER CI-21-3867, ALFRED A. JOHNSON SR. V. JANE ROMAN AND ADAM HOUSER. (PENDING)

2. I HAVE FILED A DIRECT APPEAL IN THE 6<sup>TH</sup> DISTRICT APPEAL COURT FOR EVIDENCE R. 403 AND INSUFFICIENT EVIDENCE. (PENDING) CL-22-1084

3. I HAVE FILED AN HABEAS CORPUS IN THE 3<sup>RD</sup> DISTRICT APPEALS COURT (PENDING) ALFRED A. JOHNSON SR. V. TOM WATSON (AMENDED TO WARDEN DAVID GRAY) NOW 6<sup>TH</sup> CIRCUIT COURT.

FOR DEFECTIVE INDICTMENT FOR MENS REA IT DOES NOT CHARGE A CRIME OMITTED RECKLESSLY

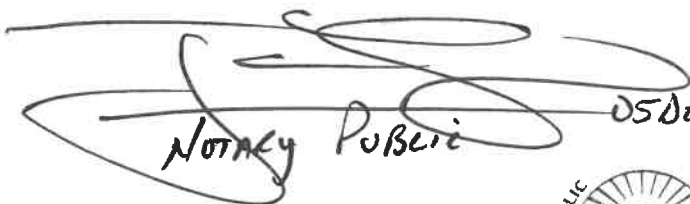
9-22-0047 (UNDER APPEAL)

4. I HAVE AN APPEAL IN THE FEDERAL COURT OF THE 6<sup>TH</sup> CIRCUIT APPEAL COURT CASE NO.CV-22-1482 (PENDING)

CERTIFICATE OF SERVICE

I CONFIRM A TRUE COPY WAS SENT TO TACO BELL AT 1 GLENBELL WAY, IRVINE, CALIFORNIA 92618 ON DEC,9<sup>TH</sup>,2022.SWORN AND SUBSCRIBED IN MY PRESENCE.

RESPECTFULLY SUBMITTED,



Notary Public

05 December 2022



JASON MICHAEL LUCAS  
Notary Public  
State of Ohio  
My Comm. Expires  
May 25, 2025